Secrt., H-27—104,008—4-11-49.

Devt (1951) Department

M SERIES.

G.O. NO. 2821

Dated 19.6.51

FOR MYSORE STATE

[Despatch Abstract.]

Mines. Quarries - Manganese (Bellary)
Hospet Taluk - Grant of R.F. -
Extension of time for removal of
Ore - Representation
Subramaniam - Rejected

Dev

19329 J/57
Dw 19/2

MADRAS, 16th February 1951.

From

K.M. Subramaniam,
Manganese Merchant,
53, Sathy Road,
ERODE.

To

The HONOURABLE MINISTER FOR MINES AND INDUSTRIES,
Fort St. George, Madras.

Sir,

Ref: Mining (Bellary) - Gunda Reserve Forest - Manganese Ore - Stock Removal - Extension of time Requested.

I submit this mercy petition against the order of the Board of Revenue in its L.Dis.L.6953/50-2 dated 9- 2- 1951 rejecting my request to grant extension of time to remove the Manganese Ore lying in Gunda Reserve Forest, Hospet Taluk, Bellary District.

p11 below

The facts of the case in brief are as follows:

One Sri Pitchaya Naidu was the owner of 5,000 cart loads of Manganese Ore lying in Gunda Reserve Forest. In January 1944, the District Forest Officer, Ananthapur, transferred the lease in favour of Sri K.V. Krishnan for the removal of the Ore subject to the condition that he abides by the conditions of the agreement executed by Sri Pitchiah Naidu, the original lessee. The said Pitchiah Naidu has received a sum of Rs.24,975/- in all consisting of various payments from the aforesaid Mr. Krishnan and a Power of Attorney

K

was granted to him to remove the Ore lying in forest area. Ever since he had taken the Power of Attorney Mr.Krishnan found it impossible to sell the Ore as the World War was on and there was absolutely no demand for the Ore which is of low grade ranging from 35 to 37 per cent. There was a demand for high grade Ore of 48% and above. Even after the War there was no demand for low grade Ore. Above all the Ore lies on the top of the mountain and it has to be removed from there to the bottom and to the Hospet Railway Station which is nearly six miles away from the foot of the mountain. The Ore has been lying there for the past so many years as there were no proper facilities to remove it but the Government are not affected in any way.

Mr. Krishnan had not enough finance to bring down the Ore from the top of the mountain and for the transport of the Ore to the Station and he had been giving false hopes and the amount advanced by me remained unpaid. Finding that he had no means to repay my amount I had to obtain a Power of Attorney releasing all his rights over the stock in my favour so that I can realise at least a portion of the amount invested in the joint venture and he has also requested the District Forest Officer, Bellary, requesting him to transfer the lease to remove the Ore in my favour. I became thus the bonafide purchaser of the Ore. Mr. Krishnan kept me in the dark about the expiry of the original lease period, that is, one year after the close of the War in April 1946.

15 According to the terms of the original lease, the lessee should remove 5,000 cart loads of Manganese Ore within one year from the date of the close of the War. It may well be argued that after the expiry of the period granted by the District Forest Officer, none of us can have right over the stock of Ore and the transfer of right may not be acceptable. If no one has a claim over the stock, then demand notices for payment of the annual rent of Rs. 120/- should not have been issued. In fact notices were sent for 1946-47, 1947-48 and 1948-49 demanding Mr. Krishnan payment of annual rental. If Mr. Krishnan had no claim over the Ore why then should the annual rent be demanded of him. This would naturally lead anyone to conclude that Mr. Krishnan had a right of the Ore, but on the other hand, if Mr. Krishnan had no right of the Ore would it not be illegal to collect rent for three years after the expiry of the time limit, and for the lapse on the part of the Government should the petitioner be denied the extension of time now applied for mainly on the ground that the agreement has been expired. It was only when Mr. Krishnan remitted the rent for 1949-50 by T.M.O., on 29- 7- 1949, the District Forest Officer refused to accept the amount. Immediately thereafter the District Forest Officer was requested to inform the reason for the refusal but no reply has been received from him. Perhaps it was only then that the authorities realised that they are not correct in accepting the rental.

5 Having demanded the annual rent from Mr.Krishnan rightly or wrongly, it is but fair to recognise him as the owner of the Ore and which he has transferred in my favour. It can be argued that mere payment of annual rental cannot give any claim over the Ore, but how then was it demanded from him when there is no legal claim.

6 I have sunk a huge sum (Rs.20,000/-) in this transaction and it will certainly hit me hard if my request is not complied with.

7 In this connection, I submit that the Ore lying in Gunda Reserve Forest was originally sold in public auction by the District Forest Officer, Anantapur, and the sale proceeds had been realised. Besides the Government have also collected ground rent till 1949 and as such the Government cannot lay any claim over this stock of the Ore. When the Government have recovered their dues and realised the value of the Ore also, the stock will not revert to them. The conditions of the agreement are only formal and for not conforming to any one of them, a family of name and reputation will be ruined for this technical defect.

8 Considering the above circumstances, I seek mercy in the hands of the benign popular Government and that they may be pleased to grant me an extension of time for at least one year more, within which time, I hope to remove the Ore from the Reserve Forest, direct me to pay the rent for 1949-50, and

19329

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5

1950-51, and to issue me a fresh agreement for the removal of the Ore as otherwise I stand to lose Rs.20,000/- already invested by me.

9 I trust that the Government may be pleased to take a sympathetic view of the case and issue favourable orders soon. Pending issue of final orders on this petition, the Government may be pleased to stay all further proceedings in the matter. 4

Yours faithfully,
K. M. Subramaniam.
16/2/51.

Enclosures:

(1) Board's Order Number L.Dis.L. 6953/50-2 dated 9-2-1951. (original). — p11 below

(2) Copy of Agreement dated 14-4-1943. — p13 below

1 3 2
23/2

Endt. No. 19329 J/51 1 & 22.2-51.

Referred to the Board of Revenue for remarks.

21.2.51 21.2.51.

TO
The Bd of Rev
(with a copy of
Pp 1-9 above)
Rcd. 16.3.51.

There are no grounds for complying with 'A' above at this stage

22/3 22/3

L.Dis.L.6953/50-2.

Board of Revenue,
Chepauk, Madras, Dated:- 9-2-1951.

Sri V. N. Kudva, I.C.S.,
Commissioner for Commercial Taxes.

- - -

Sub:- Mines & Quarries - Removal of manganese ore (Bellary) - Hospet Taluk - Gunda R.F. - Extension of time - Petition of Sri K. M. Subramanyam - Rejected -

Read:- Petition from Sri K. M. Subramanyam, dated 10-10-1950.
From the Collector of Bellary, Rc.15269/50A1, dated 11-1-1951.

- - -

L.DIS:-

1. ~~xxxxxxx~~ The Board declines to grant extension of time applied for by the petitioner, as neither Sri K. V. Krishnan nor the petitioner can lay claim to the unremoved quantity of ore. The petition is rejected.

2. [redacted]

Sd./- V. Akilandeswaran,
Addl. Asst. Secretary.

To The Collector of Bellary - Full with his connected records.
The petitioner - Para 1 only Sri K. M. Subramaniam, Manganese Merchant, No.53, Sathy Road, Erode.

Forwarded / By Order.

Superintendent.

rm.9/2.

This agreement entered into between the Secretary of State for India in Council represented by Mr. S.R. Rao, District rest Officer, Anantapur, herein called the Lessor of the one part and Mr. A.Pitchayya Naidu, son of Achutam Naidu, of Nellore, now at Bellary, herein called the Lessee of the other part this 14th day of April 1943 witnesseth as follows:

1. That it is agreed between the parties above-named that the Lessee should have one year's time from the date of the close of the present War for the removal of about 5,000 cart loads of Manganese Ore lying in Gunda Reserve Forest, Bellary range.

2. That in case the said Ore is not removed within one year as agreed in para 1 above the whole Ore or whatever remains by that date shall revert to Government and the Lessee shall have no further rights to the same.

3. That the Lessee shall pay a monthly ground rent of Rs. 10/- from 16- 7- 40 up to the date of removal of the said Ore.

4. The arrears of Rs. 240/- should be paid by the lessee within 3 months from the date of execution of this agreement and the rental of every year to be paid at the close of July in every year.

(Sd) A. Pitchiyya Naidu,
14- 4- 43.

(Sd) S.R. Rao,
14- 4- 43,
D.F.O.

Witnesses:

(Sd) Narayana Rau,
Advocate for Mr.A.P.Naidu, 14-4-43.

(Sd) (Sd)
Public Prosecutor. and Govt. Pleader.

(True copy)

/4

21
2/6/57

Memo no. 19329 J/57-2 dt 22.3.57.

Sub: Mines. Mining (Bellary) - Gunta R.F. Manganese ore. Removal of - Extension of time. Appeal of K.M. Subramaniam.

Ref: Govt Endt no. 19329 J/57-1 dt 22.2.57

pg above

The Bd. of Rev. is requested to expedite its remarks called for in the Endt. cited

21.3.57 22.3.57.

To
The Board of Revenue
22/3

Bd. 20.4.57

'Same as pp 1-13 below

True copy.

33140 J/51

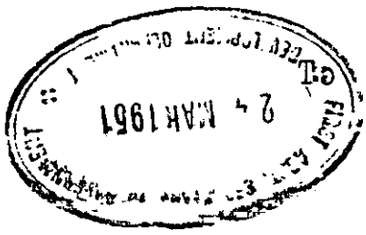
24/3

MADRAS.

16.2.51.

From,

K.M. Subramaniam,
Manganese Merchant,
53, Sathy Road,
ERODE.



To

The HONOURABLE MINISTER FOR MINES AND INDUSTRIES,
Fort St. George, Madras.

Sir,

Ref: Mining (Bellary) - Gunda Reserve Forest - Manganese ore - Stock Removal - Extension of time - - Requested.

I submit this mercy petition against the order of the Board of Revenue in its L.Dis.L.6953/50-2 dated 9- 2- 1951 rejecting my request to grant extension of time to remove the Manganese Ore lying in Gunda Reserve Forest, Hospet Taluk, Bellary District.

The facts of the case in brief are as follows:

One Sri Pitchaya Naidu was the owner of 5,000 cart loads of Manganese Ore lying in Gunda Reserve Forest. In January 1944, the District Forest Officer, Ananthapur, transferred the lease in favour of Sri K.V. Krishnan for the removal of the Ore subject to the condition that he abides by the conditions of the agreement executed by Sri Pitchiah Naidu, the original lessee. The said Pitchiah Naidu has received a sum of Rs.24,975/- in all consisting of various payments from the aforesaid Mr. Krishnan and a Power of Attorney was granted to him to remove

the Ore lying in forest area. Ever since he had taken the Power of Attorney Mr.Krishnan found it impossible to sell the Ore as the World War was on and there was absolutely no demand for the Ore which is of low grade ranging from 35 to 37 per cent. There was a demand for high grade Ore of 48% and above. Even after the War there was no demand for low grade Ore. Above all the Ore lies on the top of the mountain and it has to be removed from there to the bottom and to the Hospet Railway Station which is nearly six miles away from the foot of the mountain. The Ore has been lying there for the past so many years as there were no proper facilities to remove it but the Government are not affected in any way.

Mr. Krishnan had not enough finance to bring down the Ore from the top of the mountain and for the transport of the Ore to the Station and he had been giving false hopes and the amount advanced by me remained unpaid. Finding that he had no means to repay my amount I had to obtain a Power of Attorney releasing all his rights over the stock in my favour so that I can realise at least a portion of the amount invested in the joint venture and he has also requested the District Forest Officer, Bellary, requesting him to transfer the lease to remove the Ore in my favour. I became thus the bonafide purchaser of the Ore. Mr.Krishnan kept me in the dark about the expiry of the original lease period, that is, one year after the close of the War in April 1946.

According to the terms of the original lease, the lessee should remove 5,000 cart loads of Manganese Ore within one year from the date of the close of the War. It may well be argued that after the expiry of the period granted by the District Forest Officer, none of us can have right over the stock of Ore and the transfer of right may not be acceptable. If no one has a claim over the stock, then demand notices for payment of the annual rent of Rs.120/- should not have been issued. In fact notices were sent for 1946-47, 1947-48 and 1948-49 demanding Mr.Krishnan payment of annual rental. If Mr.Krishnan had no claim over the Ore why then should the annual rent be demanded of him. This would naturally lead anyone to conclude that Mr.Krishnan had a right of the Ore, but on the other hand, if Mr.Krishnan had no right of the Ore would it not be illegal to collect rent for three years after the expiry of the time limit, and for the lapse on the part of the Government should the petitioner be denied the extension of time now applied for mainly on the ground that the agreement has been expired. It was only when Mr.Krishnan remitted the rent for 1949-50 by T.M.O. on 29-7-1949, the District Forest Officer refused to accept the amount. Immediately thereafter the District Forest Officer was requested to inform the reason for the refusal but no reply has been received from him. Perhaps it was only then that the authorities realised that they are not correct in accepting the rental.

Having demanded the annual rent from Mr.Krishnan rightly or wrongly, it is but fair to recognise him as the owner of the Ore and which he has transferred in my favour. It can be argued that mere payment of annual rental cannot give any claim over the Ore, but how then was it demanded from him when there is no legal claim.

I have sunk a huge sum (Rs.20,000/-) in this transaction and it will certainly hit me hard if my request is not complied with.

In this connection, I submit that the Ore lying in Gunda Reserve Forest was originally sold in public auction by the District Forest Officer, Anantapur, and the sale proceeds had been realised. Besides the Government have also collected ground rent till 1949 and as such the Government cannot lay any claim over this stock of the Ore. When the Government have recovered their dues and realised the value of the Ore also, the stock will not revert to them. The conditions of the agreement are only formal and for not conforming to any one of them, a family of name and reputation will be ruined for this technical defect.

Considering the above circumstances, I seek mercy in the hands of the benign popular Government and that they may be pleased to grant me an extension of time for at least one year more, within which time, I hope to remove the Ore from the Reserve Forest, direct me to pay the rent for 1949-50, and 1950-51, and to issue me a fresh agreement for

the removal of the Ore as otherwise I stand to lose Rs.20,000/- already invested by me.

I trust that the Government may be pleased to take a sympathetic view of the case and issue favourable orders soon. Pending issue of final orders on this petition, the Government may be pleased to stay all further proceedings in the matter.

Yours faithfully,

MS 16/2/51.

Copies enclosed:

(1) Board's Order No.L.Dis.L.6953/50-2 dated 9-2-51. (Original).

(2) Copy of Agreement dated 14- 4- 1943.

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Dew J.

Ad.

(Pages 15-23 above)

This is only a copy of the petition on pp1-13 above. The Bds' remarks called for in the Memo on p 14 above may be awaited by 28.4.57.

28357 28.3.57.

24357

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REVENUE DEPARTMENT
SUBJECT.

Mines & Quarries--Removal of managanese ores--Bellary--Hospet taluk--Gounda R.F.--extension of time--report--submitted.

MADRAS REF: L.2173/51-2 /xxx Dated 2nd April 1951

From

Sri M.C.Thomas, B.A. Joint Secretary, Board of Revenue.
Sri V.N.Kudva, I.C.S. Commissioner of Comml. Taxes.

Read: Govt.Endt.No.19329J/51-1 Dev. dated 22-2-51
Bd's Ref.L.2173/51-1 dated 10-3-51
Govt.Memo No.19329J/51-2 Dev. dated 22-3-51

The Board submits that the Government Endt. dated 22-2-51 received in Board's office on 27-2-51 has been referred to the Collector of Bellary and that his report has not been received The Board will submit its report on receipt of the Collector's rep[illegible]

FIRST ASST. SECRETARY TO GOVERNMENT
6 APL 1951
DEVELOPMENT DEPARTMENT

For Joint Secretary.

To The Secretary to Government, Development Department.
RR.

2.

1932?

Dec I.

Please see ¶ 25 above

Board may wish consider

on 29.4.57 - if necessary

10.4.57

Revenue Department
Subject

DN 45405 I/51 24/4

MINES AND QUARRIES - Removal of Manganese ores (Bellary) Hospet Tal Gunda Reserve Forest - Extension of time - Report-Submitted.

* *

Ref. No. L.2173/51-2

Madras. Dated 23rd April, 1951.

From
Sri N.C.Thomas, B.A., Joint Secretary, Board of Revenue, Madras.

--

Sri V.N.Kudva, I.C.S., Commissioner of Commercial Taxes.

--

Read:-Govt.Endt.No. 19329-J/51 Development dt.22.2.51.
From the Collector of Bellary No.Rc.4419/51-A1.dt.5.4.51.

Reference: No.L. 2173/51-1 dt. 10.3.51 from the Board of Revenue.

I have no further remarks to offer pursuant to the orders ed in Board's L.Dis:L. 6953/50-2 dt. 9.2.51. I have already a d the District Forest Officer, Bellary to take steps to sell the unremoved ore stcked in public auction after giving due publicity. The District Forest Officer, promises to notify the fac of sale after hearing from the Range Officer, Hospet.

The following disposals are enclosed and they may be returned when done with.

FIRST ASST. SECRETARY TO G... p. t...
24 APL 1951
DEVELOPMENT DEPARTMENT

28

Reference:

Submitted to the Government.

/- The Board submits that it has no further remarks to offer.

-/- The Board's L.Dis.L. 6953/50 dt. 9.2.51 is submitted to the Government and it may be returned when no longer required.

(G)

For Joint Secretary.

To the Secretary to Government, Development Department, Madras.
1. with Board's L.Dis.L. 6953/50 dt. 9.2.51. (G)
2. Collector's D.Dis. 4015/42 dt. 1.6.43; D.Dis. 16520/49 dt. 2.2.50 D.Dis. 15269/50 dt. 14.2.51.

(E) (V) (I)

yrm. 23/4/

[Same as pp 1-9 of]

From

16th February 1951,

K.M. Subramaniam,
Manganese Merchant,
53, Sathy Road,
ERODE.

To

The HONOURABLE MINISTER FOR MINES AND INDUSTRIES,
Fort St. George, Madras.

Sir,

Ref: Mining (Bellary)- Gunda Reserve Forest - Manganese ore - stock Removal - Extension of time - Requested.

I submit this mercy petition against the ord of the Board of Revenue in its L.Dis.L.6953/50-2 dated 9-2-1951 rejecting my request to grant extension of time to remove the Manganese Ore lying in Gunda Reserve Forest, Hospet, Taluk, Bellary District.

The facts of the case in brief are as follows:

One Sri Pitchayya naidu was the owner of 5,000 cart loads of Manganese Ore lying in Gunda Reserve Forest. In January 1944, the District Forest Officer, Ananthapur transferred the lease in favour of Sri. K.V.Krishnan for the removal of the Ore subject to the condition that he abides by the conditions of the agreement executed by Sri. Pitchiah Naidu, the Original lessee. The said Pitchiah Naidu has received a sum of Rs.24,975/- in all consisting of various payments from the aforesaid Mr.Krishnan and a power of Attorney was granted to him to remove the Ore lying in forest area. Ever since he had taken the Power of Attorney Mr.Krishnan found it impossible to sell the ore as the World War was on and there was absolutely no demand for the Ore which is of low grade ranging from 35 to 37 per cent.

There was a demand for high grade ore of 48% and above. Even after the War there was no demand for low grade Ore. Above all the Ore lies on the top of the mountain and it has to be removed from there to the bottom and to the Hospet Railway Station which is nearly six miles away from the Foot of the Mountain. The Ore has been lying there for the past so many years as there we re no proper facilities to remove it but the Government are not affected in any way.

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S. parecopy
G 13

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I trust that the Government may be pleased to take a sympathetic view of the case and issue favourable orders soon. Pending issue of final orders on this petition , the Government may be pleased to stay all further proceedings in the matter.

Yours faithfully,

Sd.Ms. 16/2/51.

Copies enclosed:

(1) Board's Order No.L.Dis.L.6953/50-2 dated 9-2-51. (Original)

(2) Copy of Agreement dated 14-4-1948.

(true-copy).

Dev I. '51

4 drafts

2/3/20/6 only one draft I

[Cro. 1932 J/51]

P. note 9/19/6

Mins. Quarries. Manganese (Bellary) Hospet taluk - Gunda R.F. Extension of time of removal of ore. Representation of Sri K.N. Subramaniam - Rejected

fols 1-9 cf

Read: Representation from Sri K.N. Subramanian dated 16.2.51.
from the Board's letter no. L.2173/51-2 dated 23.4.51.

fols 27-28 cf

Order No. 2821 Dated 19-6-51

The petition is rejected. The Board of Revenue is requested to inform the petitioner accordingly

The Bd's letter ... 19/6

19/6/51

19/6/51

19/6 DTO
Forwarded to Dept

S. RM. RAMANATHAN CHETTIAR, M.L.C.
GENERAL MERCHANT

219A, BARBERS' BRIDGE ROAD
TRIPLICANE

Madras 20-6-1951

Dear Shri Lobo Prabhu,

D.O. 7091

SECRET 22 JUN 1951 DEPARTMENT

You will remember that during your last visit to New Delhi, I spoke about the case of one K. M. Subramoniam of Erode.

He has filed an appeal on 16-2-51 to the Govt of Madras for extension of time for the removal of manganese ores from the Kunda Reserve forest, Bellary Dist.

On going through the papers, you will be pleased to note that it was not due to any negligence on his part that the ores were not removed within the time. But, it was only due to financial and transport difficulties that the ores were not removed within the time. Moreover, by granting extension of time, the Govt is not going to lose anything. The sale proceeds of the ores were realised by the Govt and the ground rents were also paid by the party for 1949. The rent for 1950 was also demanded, but refused when remitted by

2 36

the applicant.

Now, the Bank (i.e.) the petitioner is prepared to pay the rent in full till the orders are removed. Hence, I request you will kindly condone the technical & other irregularities, if any, and grant extension of time as prayed for, in the petition.

Thanking you.

Yours Sincerely,
Ramachandra Iyer

To

Shri Lobo Prabhu, I.C.S.

Secretary to Govt

Development Department

Madras.

Dev.Dept(J)

Letter No.70918 J/51-1 dated 6.7-51

To

Sri S.Rm. Ramanathan Chettiar, M.L.C.,
2/9 A, Barbers' Bridge Road,
Triplicane

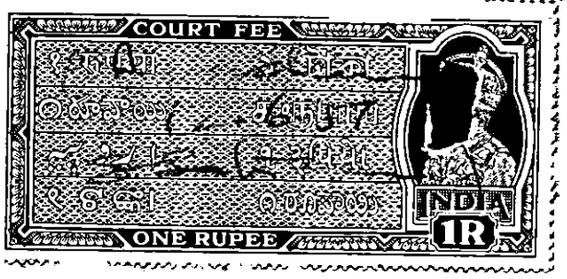
Sir,

Sub: Mines - Mining - Manganese (Bellary) - Hospet taluk - Gunda R.F. - Exemtion of time for removal of ore - Representation of Sri K.M. Subramaniam.

Ref: Your letter dated 20.6.51

With reference to your letter dited I am directed to state that the Govt. do not see their way to revise the orders issued in G.O.Ms.No.2821 Dev. dated 19.6.51.

Y.ffly



SECRETARY TO GOVERNMENT
13 JUN 1951
DEVELOPMENT DEPARTMENT
DIRECTOR FOR INDUSTRIES
12 JUN 1951
GOVERNMENT OF MADRAS

Before the Government of Madras
Development Department,
Ministry of Industries & Mines,

- - -

Appeal against the order of the Board of Revenue, L.Dis.L. 6953/50-2 , dated 9-2-51, dismissing the appeal preferred against the order of the Collector of Bellary, dated 2-2-50, rejecting the application of the Appellant to remove manganese ore lying in the Gunda reserve forest, Hospet Taluk, Bellary District and treating him as a lessee from K.V. Krishnan.

K. M. Subramanyam Appellant

* * *

I, the Appellant above-named do hereby appoint and retain Miss Perween Amiruddin, M.A., B. L., Advocate, High Court, Madras as my Counsel to appear for me in the above cause and to conduct the same before the Government of Madras. I empower my aforesaid Advocate to appear in all miscellaneous proceedings in the above matter. She is not bound to appear unless the full fees are paid. She is also authorised to depute other Counsel to act on her behalf.

Dated at Madras this 12th day of June 1951

K. M. Subramanyam

Appellant 12/6/51

Accepted :

No 1, Moore's Road, Nungambakam,
Cathedral P.O., Madras - 6

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From:

K.M. Subramaniam, ...
Manganese Merchant,
53 Sathy Road, E R O D E.

To

The Honourable Minister for Mines and Industries

Fort St., George, M a d r a s.

Sir,

Ref:- Mining (Bellary) -Gunda Reserve Forest-
Manganese Ore--Stock Removal--Extention of time
requested.

I submit this humble petition against the order of the Board of Revenue in its L.Dis. L.6953/50-2 dated 9--2--1951 rejecting my request to grant extention of time to remove the Mangenese Ore lying in Gunda reserve forest, Hospet Taluq, Bellary District.

The facts of the case in brief are as follows:-

One Sri Pitchayya Naidu was the owner of 5,000 cart loads of Mangenese Ore lying in Gunda Reserve Forest. In January 1944, the District Forest Officer, Ananthapur transferred the lease in favour of Sri K.V. Krishnan for the removal of the Ore subject to the condition that he abides by the conditions of the agreement executed by Sri Pitchiah Naidu, the original lessee. The said Pitchiah Naidu has received a sum of Rs.24,975/- in all consisting of various payments from the aforesaid Mr.Krishnan and a Power of Attorney was granted to him to remove the Ore lying in forest agea. Ever since he had taken the Power of Attorney Mr.Krishnan found it impossible to sell the ore as the World War was on and there was absolutely no demand for the Ore which is low grade ranging from 35 to 37 per cent. There was a demand for high grade ore of 48% and above. Even after the War there was no demand for low grade Ore. Above all the ore lies on the top of the mountain and it has to be removed from there to the bottom and to the Hospet Railway Station which is nearly six miles away from the F

K. M Subramaniam

Mountain. The Ore has been lying there for the past so many years as there were no proper facilities to remove it but the Government are not affected in any way.

Mr. Krishnan had not enough finance to bring down the Ore from the top of the mountain and for the transport of the ore to the Station and he had been giving false hopes and the amount advanced by me remained unpaid. Finding that he had no means to repay my amount I had to obtain a Power of Attroney releasing all his rights over the stock in my favour so that I can realise at least a portion of the amount invested in the joint venture and he has also requested the District Forest Officer, Bellary, requesting him to transfer the lease to remove the Ore in my favour. I became thus the bonafide purchaser of the Ore, Mr. Krishna kept me in the dark and about the expiry of the original lease period, that is, one year after the close of the War in April 1946.

According to the terms of the original lease, the lessee should remove 5,000 cart loads of Manganese Ore within one year from the date of the close of the War. It may well be argued that after the expiry of the period granted by the District Forest Officer, none of us can have right over the stock of the Ore and the transfer of right may not be acceptable. If no one has a claim over the stock, then demand notices for payment of the annual rent of Rs.120/- should not have been issued. In fact notices were sent for 1946-47, 1947-48 and 1948-49 demanding Mr.Krishnan payment of annual rental. If Mr. Krishnan had no claim over the ore why then should the annual rent be demanded of him. This would naturally lead anyone to conclude that Mr.Krishnan had a right of the Ore, but on the other hand, if Mr.Krishnan had no right of the Ore would it not be illegal to collect rent for three years after the

expiry of the time limit and for the lapse on the part of the Government should the Petitioner be denied the extension of time now applied for mainly on the ground that the agreement has been expired. It was only when Mr.Krishnan remitted the rent for Rs.1949-50 by T.M.P. on 29--7--1949, the District Forest Officer, refused to accept the amount. Immediately thereafter the District Forest Officer was requested to inform the reason for the refusal but no reply has been received from him. Perhaps it was only then that the authorities realised that they are not correct in accepting the rental.

Having demanded the annual rent from Mr.Krishnan rightly or wrongly it is but fair to recognise him as the owner of the Ore and which he has transferred in my favour. It can be argued that mere payment of annual rental cannot give any claim over the Ore, but how then was it demanded from him when there is no legal claim.

I have sunk a huge sum (Rs.20,000/-) in this transaction and it will certainly hit me hard if my request is not complied with.

In this connection I submit that the Ore lying in Gunda Reserve Forest was originally sold in public auction by the District Forest Officer, Ananthapur, and the sale proceeds had been realised. Besides the Government have also collected ground rent till 1949, and as such the Government cannot lay any claim over this stock of the Ore. When the Government have recovered their dues and realised the value of the Ore also, the stock will not revert to them. The conditions of the agreement are only formal and for not confronting to any of them a family of name and reputation will be ruined for this technical defect.

Considering the above circumstances, I seek remedy in the hands of the benign popular Government and that they may be pleased to grant me extention of time for at least one year more within which time, I hope to remove the Ore from the

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Reserve Forest , direct me to pay the rent for 1949-50 and 1950-51m and to issue me a fresh agreement for the removal of the Ore as otherwise I stand to lose Rs.20,000/- already invested by me.

I trust that the Government may be pleased to take a sympathetic view of the case and issue favourable orders soon. Pending issue of final orders on this petition, the Government may be pleased to stay all further proceedings in the matter.

Yours faithfully.

K. M Subramaniam

Copies enclosed:

(1) Board's order No.L.Dis.6953/50.2 dated 9-2-51 (Original) — Not Rec

(2) Copy of Agreement dated 14--4--1943. — Not Rec

Dev I

A/ Submitted for perusal of the petition on pp/1-6 above and the minute of H-M. (Ind) at 'A' on p/1 above. The representation of Sri K.M. Subramaniam has already been received and examined. The connected file has been circulated to H-M. (Ind) on 13.6.51. No action seems called for now. The papers may be added to main file on receipt.

Cw 19329 I/51 (OS 4 S.I 1/2 V)

- Cw 17359 I/57

16/6/51 16/6/51 16/6/51

73338 J/51 45

REVENUE DEPARTMENT

Subject.

MINES AND QUARRIES - QUARRYING - MANGANESE - (BELLARY) - HOSPET TALUK - GUNDA RESERVED - FORESTS - EXTENSION OF TIME OF REMOVAL OF ORE - REPRESENTATION OF SRI K.SUBRAMANIAM - REJECTED -

Station: Madras. No.MEF.L.2173/51-4 Dated, 29-6-1951.

From

Sri N.C. Thomas, B.A., Joint Secretary, Board of Revenue.
Sri V.N.Kudva, ICS., Commissioner of Commercial Taxes.

Read:-

From the Collector of Bellary.No.Rc.4419/51A-1 dated, 5-4-1951.
From the Collector of Bellary No.Rc.4419/51-A1 dated, 21-6-1951.
G.O.Ms.No.2821 Development, dated, 19-6-1951.

REFERENCE

The Board requests that its L.Dis.L.6953/50 dated, 9-2-1951, Collectors D.Dis.16520/49 dated, 2-2-1950, D.Dis.40715/42 dated, 1-6-1943 and D.Dis. No.15269/50 dated, 14-2-1951 submitted to the Government with the Board's Ref.L.2173/51-3 dated, 20-4-1951 may please be returned at an early date.

for Joint Secretary.

To
The Collector of Bellary (para 1 only)
To The petitioner,
Sri K.M.Subramaniam, Manganese, Merchant,
53, Satty Road, Erode. (para 2 only)
To The Secretary to Government, Development Department, Madras. (para 3 only)

Copy of the G.O.Ms.No.2821 (Development Department) dated the 19th June, 1951.

-:-

MINES - QUARRIES - MANGANESE (BELLARY) - HOSPET TALUK - GUNDA RESERVED FORESTS - EXTENSION OF TIME OF REMOVAL OF ORE - REPRESENTATION OF SRI K.M. SUBRAMANIAM - REJECTED .

Representation from Sri K.M.Subramanian dated, 16th February, 1951.
From the Board of Revenue Ref.No.L.2173/51-2, dated, 23-4-1951.

-:-

ORDER.

he petition is rejected. The Board of Revenue is requested to inform the itioner accordingly.

(BY ORDER OF HIS EXCELLENCY THE GOVERNOR)

A.M.Savarinathan,
Deputy Secretary to Government.

-:-

TRUE COPY/

for Joint Secretary.

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Dev J.

Memo No 73338 J/57-1 dated 13-7-57

Pl. issue & 13/7

Sub. Revs. Sivarais - Manganese (Bellary) Hospet taluk - Gunda R.F. - Removal of ore. Petition of Sri K.M. Subramaniam Rejection - Recds returned

plcf Ref. From the Board of Rev ref no. L 2173/57-4 dated 29.6.57

The following records are returned to the Board of Revenue:

(G) i) Bt's L. Dis. No. L. 6953/50 of 9.2.51

(D) ii) Collector's D. Dis no. 16520/49 #1 of 2.2.50

(V) iii) " " 4015/42 of 1.6.43

(E) iv) " " 15269/50 " 14.2.51

2. The Board of Revenue is requested to acknowledge the receipt

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Of these bonds.

Cs Rs

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Rs 1377

To

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① and G]

Police

Sd/- D. 4.857

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Revenue Department.
Subject.

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Mines and Quarries - Manganese - (Bellary) Hospet Taluk - Gunda Reserved Forests - Removal of Ore - Petition of Sri K. M. Subramaniam - Rejection - Receipt of Records - Acknowledged -

Madras. Bd's L.Dis.L.2173/51. Dated:— 25-7-1951.

Sri N. C. Thomas, B. A.,
Joint Secretary, Board of Revenue.

Sri V. N. Kudva, I.C.S.,
Commissioner of Commercial Taxes.

FIRST ASST. SECRETARY TO GOVERNMENT 28 JUL 1951 DEVELOPMENT DEPARTMENT

82942 J/51

Read:- Board's Ref.L.2173/51-4, dated 29-6-1951.
Government Memo.No.73338 J/51-1, Dev., dated 13-7-1951.
From the Collector of Bellary, No.Rc.4419/51 A1, dated 17-7-1951.

L. DIS:—

The receipt of the records sent with the Government Memorandum cited above is acknowledged.

for Joint Secretary.

To The Secretary to Government, Development Department, Madras - Para 1 only.
The Collector of Bellary - Para 2 only. with encls. by R.P.

rm. 26/7.

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Dew J.

B/ Submitted for perusal of the memo on Pp's-b alone and the Bt's reply on b-7 alone. This P may be lodged and added to the papers at - (A)

Cw 2821/1957

Q 4857 Pn 4/8/57

Reg 8/5/57

Note File

Dev.Dept(J)

Cno. 19329 J/51

Mines - Quarries - Manganese - (Bellary)- Hospet taluk - Gunda R.F. Extension of time for removal of ore - Representation of Sri K.M. Subramanaian.

Representation from Sri K.M. Subramaniam dated 16.2.51 (Issued as Endt. No.19329 J/51-1 dated 22.2.51)
From the Bd. of Revenue ref. No.L.2173/51-2 dated 23.4.51

A.S.

The file relates to a representation from Sri K.M. Subramaniam, Manganese Merchant of Erode, against the orders of the Bd. of Rev. refusing the grant of extension of time applied for for removing the stock of Manganese ore lying in the mine at Gunda Reserve Forest in Hospet taluk in Bellary dist.

2. The facts of the case are briefly as follows:-

In May '36 the Govt. cancelled the lease held by one Khan Sabib Hye Sahib Bahadur for Manganese over an extent of 1503-16 acres in Gunda Reserve Fprest in Hospet taluk in Bellary district, as the lessee fell into arrears of dead rent. The lessee surrendered the mine and with all stock of the Manganese ore at the mine to Govt. In November 1937 M/s V.J. Rodregues and Son, Mysore, offerred to purchase this stock of Manganese ore for a sum of Rs.1875/- but were able to pay only a fourth of this amount to Govt. on 4.5.39 by which date they transferred their rights to one Sri A. Pitchayya Naidu who produced the power of attorney paid the balance of Rs.1625/- and took delivery of the entire ore on 16.7.1940. He then executed an agreement with the Collr. of Bellary to remove the stock from the date of the closure of the War i.e., before April '46. The late Pitchayya Naidu then permitted one Sri K.V. Krishnan under the Power of Attorney executed on 20.10.43 to remove the ore within the limited time. Sri K.V. Krishnan also did not remove the ore, but continued the payment of ground rent to Govt. till it was refused by the D.F.O. on 29.7.49. Sri K.V. Krishnan had subsequently executed a Power of Attorney in favour of Sri K.M. Subramaniam (the petitioner) on 27.9.49 for a consider

of Rs.20,000/- bequething all his rights of ownership over the ore.

3. The petitioner has accordingly requested the Collector for extension of time for removing the stock in question which was rejected. An appeal to the Bd. was also rejected in Bd. L.Dis. 6953-50-1 dated 9.2.51. The Bd. also instfucted the Collr. to sell the ore in public auction and credit the sale proceeds to Govt.

4. The petitioner has now appealed to Govt. against these orders. It appears that the petitioner requires extension of time to remove the stock because of the reported difficulty in transporting the stock from the hill to the nearest Railway station. The contention of the petitioner is that in as much as rentals have been collected from Sri K.V. Krishnan his predecessor, he should not be denied the right over the mineral he being legitimate purchaser of it.

5. It it submitted that according to condition (1) of the agreement executed by late Sri Pitchayya Naidu on 14.4.43 he was bound to remove the ore stocked in the mining limits within one year from the date of closure of the War i.e., before April '46.and that according to condition (2) of the same agreement, the entire quantity of the unremoved ore authmatically reverted to Govt. leaving no right to the lessee immediately after that date. This agreement binds Sri K.V. Krishnan as well as the power of attorney has been executed as early as 20.10.43. but the rights of both the persons have ceased by April '46 in view of condition (2)above. It was therefore held by the Govt. Pleader that the power of attorney executed in favour of the petitoner (Sri K.M. Subramaniam) is invalid as it was executed long after Sri K.V. Krishnan had ceased to have any right over the mineral. On the above basis the Collector and the Bd. have rejected the appeal of the petitioner.

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The Collector and the Bd. have no remarks to offer, on the appeal of the petitioner.

In the circumstances mentioned above, the petitioner does not appear to have any claim to the mineral and as such the question as to whether or not he should be granted an extension of time to remove the mineral, need not be examined.

For orders whether the petition will be rejected and petitioner informed accordingly.

Legal may also see

Q 30457 (Sd/-)

Rly 1537 Legal

Dev. wo no. 19329 J/51-3 1.5.57

O AS (Sd/-)

Legal

Legal Department.

This Department agrees with the view expressed at 'K' above, viz. that the petitioner has no claim to the mineral. The petitioner professes to have secured an assignment of rights over the ore. But the assignor's interest has been extinguished and the petitioner who is the assignee cannot get a better title than the assignor. Please see 'Y' p.5 c.f. of Collector of Bellary D.Dis. No.16520/49-A1, dated 2.2.50, containing the Government Pleader's opinion on the matter.

ASSISTANT SECRETARY 7407 2-MAY 1951 LEGAL DEPARTMENT

Z (D)

Sd/- 2/6/57 K. Rly. 4/6/57

Legal wo 7407/57 4.6.57

Devt. Dept

7729 32 cf Dev 62640 i/51 5/6 (From Secy. Subramanian & 16.2.51)

A.S/

Devt.Dept. (J)

Submitted for perusal of this Department's notes on pp 1-3 above and the further notes of Legal.

In the circumstances explained above it is for order whether the petition of Sri K.M. Subramanian will be

rejected

ASSTT. SECRETARY TO GOVERNMENT 5 JUN 1951 DEVELOPMENT DEPARTMENT

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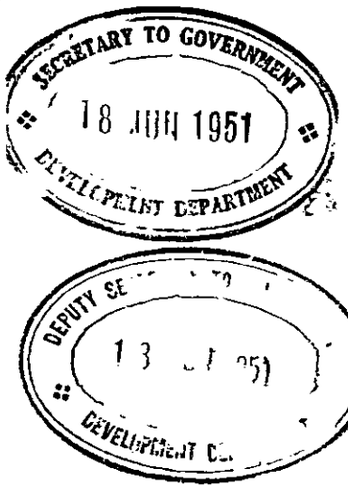
rejected. Subject to orders a draft order and the draft memorandum are submitted for approval.

11.6.51 / 11.6.51

(Cover as Cons. 2821 Dev 9 19.6.51) fp3cf



[Cno. 70918 J/57]

Mines - Quarries - Manganese (Bellary) - Hospet taluk - Gunda R.F. Extension of time for removal of ore - Representation of Sri K.M. Subramaniam.

From Sri.S.Rm.Ramanathan Chettiar dated 20.6.51

A.S.

Sri K.M. Subramanium a Manganese merchant of Erode represented to Govt. in February '51 against the orders of the Board of Rev. refusing him the grant of extension of time applied for, for removing the stock of Manganese ore lying in the mine at Gunda R.F. in Hospet taluk in Bellary district

2. The facts of the case are briefly as follows:-

In May '36 the Govt. cancelled the lease held by one Khan Sahib Hye Sahib Bahadur for Manganese over an extent of 1503-16 acres in Gunda Reserve Forest in Hospet taluk in Bellary district as the lessee fell into arrears of dead rent. The lessee surrendered the mine with all stock of the Manganese ore at the mine to Govt. In November 1937 M/s V.J. Rodregues and Son, Mysore, offerred to purchase this stock of Manganese ore for Rs.1875/- but were able to pay only a fourth of this amount to Govt. on 4-5-39 by which date they transferred their rights to one Sri A. Pitchayya Naidu who produced the power of attorney, paid the balance of Rs.1625/- and took delivery of the entire ore on 16.7.1940. He then executed an agreement with the Collector of Bellary to remove the stock within one year from the date of the closure of the War i.e., before April '46. The late Pitchayya Naidu then permitted one Sri K.V. Krishnan under Power of Attorney executed on 20.10.43 to remove the ore within the limited time. Sri K.V. Krishnan did not also remove the ore but continued the payment of ground rent to Govt. till it was refused by the D.F.O. on 29.7.1949. Sri K.V. Krishnan subsequently executed a Power of Attorney in favour of Sri K.M. Subramanium on 27.9.1949 for a consideration of Rs.20,000/- bequething all his rights to ownership over the ore.

3. After a careful examination of the case this

Board

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Deptt. held that Sri K.M. Subramanium did not have any claim to the mineral and that the question as to whether or not he should be granted an extension of time to remove the mineral need not be examined. Legal Deptt. while agreeing with this Deptt. remarked that as the assignor's interest had been extinguished, the assignee that is the petitioner cannot get a better title than the assignor. It was therefore ordered in circulation that the petition might be rejected and orders were accordingly issued in G.O.Ms.No.2821 Dev. dated 19.6.51.

In his letter on pp.1-2.c.f. the Hon'ble Member has stated that the technical and other irregularities if any, be condoned and the extension of time applied for may be granted to Sri K.M. Subramanium. The Hon'ble Member has not adduced any fresh ground for justifying a reconsideration of the orders.

In the circumstances it is for orders whether he will be informed that the Govt. do not see their way to revise their orders in G.O.Ms.No.2821 Dev. dated 19.6.51

With reference to the above orders a draft letter is submitted below for approval. (After issue this may be added to the papers at (A))

G.O. 2821 / 1951

C10.2821

DEPARTMENT.

Papers taken out of the Records from the charge of the Referencer.

Press
Miscellaneous No.
Routine

dated 19-6 19 51

Date taken out.	FOR WHAT PURPOSE			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C.No.	Year.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
9.2.52	[illegible]	5938	J/52	V.N		